

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1183.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CHEESE.

On September 9, 1909, the United States Attorney for the Southern District of Florida, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 74 cheeses in the possession of Williams & Moorehouse, Tampa, Fla. The said cheeses were labeled: "Williams and Moorehouse Fancy Full Cream Cheese, Tampa, Florida, M. & W.," and in addition, they all bore numbers ranging from 17 to 23, inclusive.

An inspector of the Bureau of Chemistry of this Department weighed 90 cheeses out of this consignment to ascertain whether they were correctly marked as to net weight, with the following results: 16 cheeses were found to be of the weight indicated by the numbers; 3 cheeses were found to be 2 pounds short; 4 cheeses were found to be 1½ pounds short; 22 cheeses were found to be 1 pound short; and 45 cheeses were found to be one-half pound short. The libel alleged that the said cheeses, after shipment by the S. J. Stevens Co., Sheboygan, Wis., from the State of Wisconsin into the State of Florida, remained in the original unbroken packages, and were misbranded in violation of the Food and Drugs Act of June 30, 1906, and were therefore liable to seizure and confiscation. Misbranding was alleged for the reason that the boxes containing said cheeses did not contain the net weight of the cheese that they purported to contain as indicated by pencil marks in black pencil upon the sides of each of said boxes, and that said false weight was therefore false and misleading and calculated to deceive and mislead the purchaser as to the actual net weight of said cheeses.

On October 5, 1909, it appearing to the court that Williams & Moorehouse had filed claim and answer for delivery to the owner

thereof of said cheeses, and had executed and delivered a good and sufficient bond in the sum of \$300 conditioned that the said cheeses should not be again sold contrary to law, the court ordered that the 13 cheeses found and seized in said proceeding be delivered to the aforesaid claimants.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 31, 1911.*

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